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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 XACTWARE SOLUTIONS, INC., *et al.*,

9 Petitioners,

10 v.

11 DAVID V. CARLSON, *et al.*,

12 Respondents.
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Case No. C18-0103RSL

ORDER DENYING MOTION TO
COMPEL AND DISMISSING CASE

14 This matter comes before the Court on petitioner's motion to compel compliance with
15 subpoenas issued in connection with a patent infringement case pending in the District of New
16 Jersey. Xactware sought discovery related to an inequitable conduct defense it asserted in the
17 underlying case. Dkt. # 1 at 5. That defense has now been stricken, a fact which respondents
18 brought to the Court's attention on April 9, 2018. Dkt. # 19. Xactware has not shown that the
19 discovery it seeks is relevant to any claim or defense at issue in the underlying litigation. That
20 Xactware may, at some future date, be able to adequately allege inequitable conduct does not
21 make the issue relevant or otherwise the proper subject of discovery. The motion to compel is
22 therefore DENIED and this matter is DISMISSED.

23 Dated this 20th day of April, 2018.

24 

25 Robert S. Lasnik

26 United States District Judge

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